

Notice of Allowability

Application No.

09/987,107

Examiner

Sheridan K Snedden

Applicant(s)

GRAVERSEN ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to amendments filed 6/10/04, 7/28/04, and 8/11/04.
2. ☒ The allowed claim(s) is/are 1-6,22-29,32,33,35,37-42,52-59,62 and 85-106.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

1. This Office Action is in response to amendment filed 10 June 2004. Applicant's amendment of claims 1-6, 22-29, 32, 33, 35, 37-42, 52-53, 55-59, and 62 is acknowledged. Applicant's addition of new claims 85-104 is acknowledged. Claims 7-21, 30-31, 34, 36, 43-51, 60-61, and 63-84 have been canceled.
2. Applicant's supplemental amendment filed 28 July 2004 is acknowledged. Applicant's amendment of claim 92 and 102 is acknowledged.
3. Applicant's supplemental amendment filed 11 August 2004 is acknowledged. Applicant's amendment of claims 89, 99, and 104 is acknowledged.
4. Claims 1-6, 22-29, 32, 33, 35, 37-42, 52-59, 62, and 85-104 are under examination.
5. All objections and/or rejections are withdrawn.
6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Iver Cooper on August, 31, 2004.
7. The application has been amended as follows:

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89 (amended). The composition of claim 1, wherein ~~the apolipoprotein A-I~~ apo-A is a fragment of human apolipoprotein A-I, where said fragment substantially retains the lipid binding function of human apolipoprotein A-I.

98 (amended). The construct of claim 38, wherein ~~the apolipoprotein A-I~~ apo-A is human apolipoprotein A-I.

99 (amended). The construct of claim 52, wherein ~~the apolipoprotein A-I~~ apo-A is a fragment of human apolipoprotein A-I where said fragment substantially retains the lipid binding function of human apolipoprotein A-I.

105 (New). The composition of claim 89, wherein said fragment retains all of the lipid binding function of human apolipoprotein A-I.

106 (New). The construct of claim 99, wherein said fragment retains all of the lipid binding function of human apolipoprotein A-I.

Conclusion

8. Claims 1-6, 22-29, 32, 33, 35, 37-42, 52-59, 62, and 85-106 are allowed.

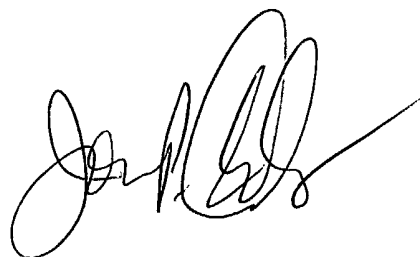
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan K Snedden whose telephone number is (703) 305-4843. The examiner can normally be reached on Monday - Friday, 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for regular communications to the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

SKS
September 3, 2004

A handwritten signature in black ink, appearing to read 'Jon Weber', with a long horizontal stroke extending to the right.

JONWEBER
SUPERVISORY PATENT EXAMINER